

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL CASE NO. 3:08cv422

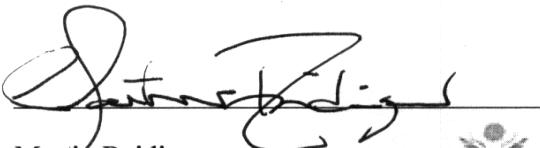
NEW NGC, INC., dba NATIONAL )  
GYPSUM COMPANY, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )                                   O R D E R  
                               )  
GEORGIA-PACIFIC GYPSUM LLC, )  
                               )  
Defendant.                 )  
                               )

---

**THIS MATTER** is before the Court on Georgia-Pacific Gypsum LLC's Motion to Dismiss [Doc. 4].

For the reasons stated in the motion, and in light of the Plaintiff's agreement [Doc. 10] that Counts I-IV of this action should be dismissed, **IT IS, THEREFORE, ORDERED** that Georgia-Pacific Gypsum LLC's Motion to Dismiss [Doc. 4] is **GRANTED**, and the Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

Signed: October 10, 2008

  
Martin Reidinger  
United States District Judge  
